

## Michigan Court Rules on E-Filing and E-Service

[Michigan Court Rule 1.109\(G\)](#) was adopted in 2018 with an effective date of September 1, 2018. This rule provides the fundamental authority, policy, and procedure for electronic filing and electronic service in MiFILE, the statewide e-Filing system. Highlights of the rule include:

- Definitions relevant to the electronic-filing system. MCR 1.109(G)(1).
- A requirement that courts implement electronic filing in compliance with standards established by the State Court Administrative Office (SCAO) and the Michigan Court Rules. MCR 1.109(G)(2).
- A description of the scope and applicability of electronic filing, including a requirement that courts accept electronic filing and maintain electronic documents under SCAO standards. MCR 1.109(G)(3).
- A provision that the electronic version of any document filed with or generated by the court is the official court record. MCR 1.109(G)(4).
- Certain minimum requirements of the electronic-filing process. MCR 1.109(G)(5).
- Certain minimum requirements of the electronic-service process. MCR 1.109(G)(6).
- A procedure for addressing transmission failures. MCR 1.109(G)(7).

Details as to some of the practical application of MCR 1.109(G)(5) and (6) are below.

### Electronic Filing

#### Who Must E-File

- Attorneys are mandatory e-filers under MCR 1.109(G)(3)(f).
- Self-represented litigants (SRLs) and all others may e-File with the court but are not required to do so.
- SCAO approval is required to mandate SRLs and others to e-File. See [MiFILE Brief 6](#).

#### Record of Filing Transaction: Date, Time, Acceptance, Rejection

- A document submitted electronically is considered filed when transmission to the system is completed and the required filing fees are paid or waived.
- Transmission is completed when the transaction is recorded as prescribed in MCR 1.109(G)(5)(c).

- Regardless of the date a filing is accepted by the clerk or a request for fee waiver is granted, the date of filing is the date submitted.
- Electronic filing is not restricted by court operating hours, and any document submitted at or before 11:59 p.m. of a business day is deemed filed on that business day. Court holidays are determined by the court's local administrative order and MCR 8.110(D).
- Any document submitted on a weekend or court holiday is deemed filed on the next business day, and 8:00 a.m. is used for the time on the date/time stamp.
- On receipt of a submission, or on rejection of a submission for nonpayment, MiFILE records the filing transaction and sends notice to the user who made the submission.
- When documents are date and time stamped, the filing transaction is recorded and notice is sent to the user who made the submission. If a filing is rejected, the rejection is recorded and notice is sent to the user who made the submission.
- MiFILE maintains for every court a record of each submission, payment, filing, and rejected transaction.

## **Preparing and Identifying Documents for Filing and Payment of Fees**

- Documents for filing must comply with [document preparation standards](#) established by SCAO. Documents that do not meet the minimum filing requirements may be rejected by the court. See the [standard rejection reasons](#) and how to avoid a rejected filing.
  - Case initiation information must be filed with the court in the manner required by SCAO. In most instances, this information must be provided in MiFILE data entry screens as well as in the case caption of the pleadings being filed. MCR 1.109(G)(5)(a)(i), MCR 1.109(D)(2).
  - In 2021, personal identifying information (PII) must not be included in public documents filed with the court effective January 1, 2021. In compliance with the court rule, SCAO is removing all fields from court forms that request this specified personal identifying information. When PII is required to be filed with the court, it must be provided in MiFILE data entry screens (and in some instances may need to be filed on a personal identifying information form along with the other documents). The PII form is nonpublic but must be served on all parties. Details about filing PII with the court will be provided at a later date. MCR 1.109(D)(9).

- Filing (document) types selected by the filer are standardized and are specified according to case types. Fees are associated with filing types and are displayed based on case-type groups and filing types.
- Filing fees must be paid at time of submission unless no fee is required. A filing fee is not required for certain exempt filers pursuant to statute, when the fee is waived by the court; or when a request for fee waiver is included with filing and subsequently granted. MCR 1.109(G)(5)(b), MCR 2.002, MCR 8.119(C), MCL 600.880, MCL 600.880a, MCL 600.880b, MCL 600.880c, MCL 600.2529, MCL 600.8371.
  - If documents are filed without a required payment, order waiving fees, or request for fee waiver, the court will not receive them.
  - If the wrong amount is paid, the clerk will reject the filing unless the amount paid is greater than the amount owed. In that event, the clerk will reduce the amount owed, and the filer will be refunded the balance.

## **Submitting Exhibits for Hearing/Trial**

- Exhibits are not pleadings and are not to be filed with the court, but are to be submitted to the judge. MCR 2.518 and MCR 3.930. See also MCR 1.109(A)(2).

## **Future Special Features and Filings**

The following special e-Filing features will be available in MiFILE. Details will be communicated as the features become available.

- ***E-Summons.*** Currently, the summons (SCAO-approved form MC 01) is completed by the filer and filed along with a pleading. Ultimately, however, MiFILE will generate a summons on behalf of the filer and the clerk of the court.
- ***Editing a Filing.*** If a filer needs to correct a filing, pay an additional amount, or add a document to a filing, this feature will enable the court to notify the filer to edit the filing rather than rejecting the filing.
- ***Garnishments.*** This feature will require the filer to submit a request for garnishment using the SCAO-approved form (MC 12, MC 13, or MC 52) so that MiFILE can generate a filer copy of the writ with required personal identifying information and a court copy of the writ without personal identifying information.
- ***Bulk Filing.*** Filers will be able to bulk file documents using a specially-formatted data file.


## **Transmission Failures**

- In the event of transmission failure, a party may file a motion with the court asking that the document be deemed filed on the date it was first attempted, if the failed transmission was not the filing party's fault. Transmission failures caused by problems with the filer's telephone line, ISP, hardware, or software are attributed to the filer. MCR 1.109(G)(7).
- Scheduled MiFILE outages will be posted. If MiFILE is unavailable for an extended period of time or indefinitely, the filer would be notified and paper filing/service would be permitted under the court rule in certain circumstances.

## **Filing Notifications**

- A notice of electronic filing or rejection includes the date and time of transaction, name of filer, type of document, e-mail address of user receiving notice, and a hyperlink to the filed or rejected document(s). See example.

MiFILE - Document Filed 0729-201901-CD

 info@truefiling.com

To <User Email Address>

↩ Reply

↩ Reply All

➔ Forward

⋮

Mon 7/29/2019 1:14 PM

Your document was successfully filed with the MI SCAO Circuit Court. See your account history for details of this filing.

Case Number: 0729-201901-CD  
Document Name: Answer, Civil  
Document Type: Complaint  
Bundle ID Number: 4721  
Filer Name: <Name of Filer>

Date and Time Filed: 7/29/2019 12:58 PM  
Filed Document: [Download](#)

If you are unable to access the document using the hyperlink, please copy and paste the entire URL into a web browser's address bar.  
<https://mifile-beta-efsp-uat.truefiling.com/court/54ef949b-3283-411f-c3e2-08d614ed4bd0/filing/89b3a64e-6470-46bd-f4d6-08d711dc1413/transaction/8776be17-2ec1-4501-9dfb-c23e53b3d271/filestampedcopy>

E-Filed documents are available in your MiFILE history for one year. You should either print your documents or save them to your device.

\*\*\*\*\*This e-mail was sent from an unattended e-mail mailbox. Replies to this e-mail will be rejected.\*\*\*\*\*

MiFILE is the Michigan judiciary's electronic-filing system for filing and serving documents online. This system is available 24 hours a day, 7 days a week.  
Home page: <https://mifile.courts.michigan.gov/>

CONFIDENTIALITY NOTICE: This message and any associated documents have been sent via MiFILE and may contain confidential information. The information is intended for individuals or legally defined interested persons associated with the case to which this message applies. Any individual not associated with the case is prohibited from disseminating, distributing, or copying this message or any associated documents, downloading the associated documents, or taking any action on the contents of this message or any associated documents. If you have received this communication in error, please delete the message immediately. Thank you.

## Electronic Service

### Electronic Service Defined

- Electronic service is permitted whenever a court rule requires or permits service by mail. “Electronic service” or “e-service” means the electronic service of information by means of MiFILE under MCR 1.109(G). It does not include service by e-mail under MCR 2.107(C)(4).
- Except when a case is commenced and when the manner of required service is other than mail, service of documents through MiFILE may be performed simultaneously with the filing. Service is considered complete when the transaction is processed through the system. MCR 1.109(G)(6)(b).

### Responsibility for Service and Manner of Service

- Filers will need to arrange for service of process. A link to the process servers association can be made available in MiFILE and on the Michigan Legal Help website for use by filers in locating a process server.
- When a case is commenced, service of process must be accomplished by traditional means.
  - A proof of service will need to be prepared and filed with the court.
  - There is a specific filing type for the proof of service of a case initiating document (referred to as a Return of Service).
- After a case is commenced, service of process of all documents electronically filed must be accomplished electronically by MiFILE among authorized users. MCR 1.109(G)(6)(b).
  - When a filer serves documents through MiFILE, the system will generate the proof of service/certificate of service and produce an image that the clerk will place in the case file (the court’s electronic document management system). The filer should not prepare and file a separate proof of service.
  - The filer has the option to serve documents without filing them with the court. One reason a filer might choose this option is because the filer wants to serve a copy of a document that has been stamped FILED. When this option is selected, MiFILE will generate a proof of service for the court but the proof will not be sent to the court automatically. The filer has the option of submitting the MiFILE-generated proof of service, or preparing a separate proof of service and submitting it with the court.

- Parties who are exempt from e-Filing, parties who have not filed a response or answer, or parties who have not registered as a user of MiFILE and whose e-mail address is unknown must be served by any other method required by Michigan Court Rules. The filer (or process server) must electronically submit either:
  - a separate proof of service document after serving the parties,
  - a proof of service document that accompanies the document submitted for filing after serving the parties, or
  - a certificate of service at the bottom of the document submitted for filing after serving the parties.

**Notification by Courts**

- Courts may notify (serve) by any means appropriate under the court rules. MCR 1.109(G)(3).
  - When the court serves documents through MiFILE, an e-notification can be generated by MiFILE, but no proof of service document or automatic case management system entry will be created, nor is proof necessary.